

AMENDED IN ASSEMBLY APRIL 16, 2013

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 670

Introduced by Assembly Member Atkins

February 21, 2013

An act to add Section 4073.5 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 670, as amended, Atkins. Pharmacy Law: incentive payments.

The Pharmacy Law governs the practice of pharmacy in this state, including the permissible duties of licensed pharmacists. Among other permitted acts, a pharmacist filling a prescription order for a drug product prescribed by its trade or brand name may select another drug product with the same active chemical ingredients of the same strength, quantity, and dosage form, and of the same generic drug name as determined, as specified, of those drug products having the same active chemical ingredients. A person who violates the Pharmacy Law is guilty of a crime, as specified.

This bill would prohibit a pharmacist or pharmacy employer from receiving any payment or other compensation, in the form of money or ~~otherwise, that is used as an inducement~~ *otherwise* to specifically recommend or replace ~~an a patient's~~ originally prescribed drug product with a drug product that does not have the same active ingredient as the originally prescribed drug product, *unless the recommendation is the result of, and the payment is included in the reimbursement for, the pharmacist performing a comprehensive medication review, as specified.*

By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4073.5 is added to the Business and
2 Professions Code, to read:

3 4073.5. (a) A pharmacist or pharmacy employer shall not
4 receive any payment or other compensation, in the form of money
5 ~~or otherwise, that is used as an inducement to~~ *otherwise, to*
6 specifically recommend or replace ~~an~~ *a patient's* originally
7 prescribed drug product with a drug product that does not have
8 the same active ingredient as the originally prescribed drug ~~product.~~
9 *product, unless the recommendation is the result of, and the*
10 *payment is included in the reimbursement for, the pharmacist*
11 *performing a comprehensive medication review, which includes*
12 *a consultation with the patient.*

13 (b) Nothing in this section shall be construed to prohibit
14 contracts that contain incentive plans that involve general payments
15 for consultation services that are not directly tied to payments for
16 recommending or replacing a specific drug product.

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

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